

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 3CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced By: Friend, 10

Read first time: January 4, 2007

Committee: Executive Board of the Legislative Council

1 THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA,
2 FIRST SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2008 the
4 following proposed amendment to the Constitution of Nebraska shall be
5 submitted to the electors of the State of Nebraska for approval or
6 rejection:

7 To amend Article III, sections 1, 5, 6, 7, 10, 11, 12, 13,
8 14, 17, 22, and 27, Article IV, sections 1, 4, 7, 10, 12, 16, and 28,
9 and Article VII, sections 6, 13, and 14:

10 III-1. The legislative authority of the state shall be
11 vested in a Legislature consisting of ~~one chamber.~~ a Senate and a
12 House of Representatives as provided in this article. The people
13 reserve for themselves the power to propose laws and amendments to
14 the Constitution and to enact or reject the same at the polls,
15 independent of the Legislature, which power shall be called the power
16 of initiative. The people also reserve power at their own option to
17 approve or reject at the polls any act, item, section, or part of any
18 act passed by the Legislature, which power shall be called the power

1 of referendum.

2 III-5. The Legislature shall by law determine the number of
3 members to be elected and divide the state into legislative districts.
4 In the creation of such districts, any county that contains
5 population sufficient to entitle it to two or more ~~members of the~~
6 Legislature senators shall be divided into separate and distinct
7 legislative districts, as nearly equal in population as may be and
8 composed of contiguous and compact territory. One member of the
9 Legislature Senate shall be elected from each ~~such~~ district,
10 and two members of the House of Representatives shall be elected from
11 each district. The basis of apportionment shall be the population
12 excluding aliens, as shown by the next preceding federal census. The
13 Legislature shall redistrict the state after each federal decennial
14 census. In any such redistricting, county lines shall be followed
15 whenever practicable, but other established lines may be followed at
16 the discretion of the Legislature.

17 III-6. The Legislature shall consist of ~~not more than fifty~~
18 ~~members and not less than thirty~~ the Senate composed of not more
19 than thirty-one members and the House of Representatives composed of
20 not more than sixty-two members. The sessions of the Legislature
21 shall be annual except as otherwise provided by this constitution or
22 as may be otherwise provided by law.

23 III-7. At the general election to be held in November ~~1964,~~
24 2010, one-half the members of the ~~Legislature,~~ Senate and
25 one-half the members of the House of Representatives, or as nearly
26 thereto as may be practicable, shall be elected for a term of four
27 years and the remainder for a term of two years, and thereafter all

1 members shall be elected for a term of four years, with the manner of
2 such election to be determined by the Legislature. The Legislature as
3 constituted as of the general election in November 2008 and the terms
4 of the members elected at such election terminate as of the beginning
5 of the terms of members of the Legislature elected in November 2010.

6
7 When the Legislature is redistricted, the members elected
8 prior to the redistricting shall continue in office, and the law
9 providing for such redistricting shall where necessary specify the
10 newly established district which they shall represent for the balance
11 of their term. Each member shall be nominated and elected in a
12 nonpartisan manner and without any indication on the ballot that he or
13 she is affiliated with or endorsed by any political party or
14 organization.

15 Each member of the Legislature shall receive a salary of not
16 to exceed one thousand dollars per month during the term of his or her
17 office. In addition to his or her salary, each member shall receive
18 an amount equal to his or her actual expenses in traveling by the most
19 usual route once to and returning from each regular or special session
20 of the Legislature. Members of the Legislature shall receive no pay
21 nor perquisites other than his or her salary and expenses, and
22 employees of the Legislature shall receive no compensation other than
23 their salary or per diem.

24 III-10. ~~Beginning with the year 1975, regular~~ Regular
25 sessions of the Legislature shall be held annually, commencing at 10
26 a.m. on the first Wednesday after the first Monday in January of each
27 year. The duration of regular sessions held shall not exceed ninety

1 legislative days in odd-numbered years unless extended by a vote of
2 four-fifths of all members ~~elected to the Legislature, in each~~
3 house, and shall not exceed sixty legislative days in even-numbered
4 years unless extended by a vote of four-fifths of all members
5 ~~elected to the Legislature. in each house.~~ Bills and resolutions
6 under consideration by the Legislature upon adjournment of a regular
7 session held in an odd-numbered year may be considered at the next
8 regular session, as if there had been no such adjournment. Neither
9 house shall adjourn for more than three days without the consent of
10 the other house.

11 The Lieutenant Governor shall preside in the Senate, but
12 shall vote only when the ~~Legislature~~ Senate is equally divided. A
13 majority of ~~the all~~ members ~~elected to the Legislature~~ shall
14 constitute a quorum; ~~the Legislature~~ in each house, and the members
15 of each house shall determine the rules of its proceedings, shall
16 ~~and~~ be the judge of the election, returns, and qualifications of
17 its members, and shall choose its own officers. The Senate shall
18 choose a President pro tempore , ~~including a Speaker~~ to preside
19 when the Lieutenant Governor ~~shall be~~ is absent, incapacitated,
20 or ~~shall act~~ acting as Governor. The Secretary of State shall
21 call the House of Representatives to order at the opening of each new
22 Legislature and preside until a Speaker is chosen.

23 No member shall be expelled by either house except by a
24 vote of two-thirds of all members ~~elected to the Legislature, in~~
25 the respective house, and no member shall be twice expelled for the
26 same offense. The Legislature may punish by imprisonment any person
27 not a member thereof who ~~shall be~~ is guilty of disrespect to the

1 Legislature by disorderly or contemptuous behavior in its presence,
2 but no such imprisonment shall extend beyond twenty-four hours at one
3 time, unless the person ~~shall persist~~ persists in such disorderly
4 or contemptuous behavior.

5 III-11. ~~The Legislature~~ Both the Senate and the House of
6 Representatives shall keep a journal of its proceedings and publish
7 them, except such parts as may require secrecy, and the yeas and
8 nays of the members on any question shall at the desire of any one
9 of them be entered on the journal. All votes shall be viva voce.
10 The doors of the Legislature and of the committees of the
11 Legislature shall be open, except when the business shall be such as
12 ought to be kept secret. The yeas and nays of each member of any
13 committee of the Legislature shall be recorded and published on any
14 question in committee to advance or to indefinitely postpone any
15 bill.

16 III-12. (1) No person shall be eligible to serve as a member
17 of the ~~Legislature~~ Senate for four years next after the expiration
18 of two consecutive terms in the Senate regardless of the district
19 represented. No person shall be eligible to serve as a member of the
20 House of Representatives for four years next after the expiration of
21 two consecutive terms in the House regardless of the district
22 represented.

23 ~~(2) Service prior to January 1, 2001, as a member of the~~
24 ~~Legislature shall not be counted for the purpose of calculating~~
25 ~~consecutive terms in subsection (1) of this section.~~

26 ~~(3)~~ (2) For the purpose of this section, service in
27 office for more than one-half of a term shall be deemed service for a

1 term.

2 III-13. The style of all bills shall be, Be it enacted by
3 the people of the State of Nebraska, and no law shall be enacted
4 except by bill. No bill shall be passed by the Legislature unless by
5 the assent of a majority of all members ~~elected~~ of the Senate and a
6 majority of all members of the House of Representatives, and the yeas
7 and nays on the question of final passage of any bill shall be
8 entered upon the journal. All bills passed by one house may be
9 amended by the other house. No amendment to a bill by one house shall
10 be concurred in by the other house and no conference committee report
11 as to any bill shall be adopted by either house, except by the assent
12 of the same number of members as is required for the passage of the
13 original bill. Any bill may originate in either house, except that
14 bills appropriating money shall originate only in the House of
15 Representatives.

16 III-14. Every bill and resolution shall be read by title
17 when introduced, and a printed copy thereof provided for the use of
18 each member of the Legislature. The bill and all amendments thereto
19 shall be printed and presented before the vote is taken upon its final
20 passage and shall be read at large in the Senate and in the House of
21 Representatives unless three-fifths of all the members ~~elected to~~
22 ~~the Legislature~~ in the respective house vote not to read the bill
23 and all amendments at large. No vote upon the final passage of any
24 bill shall be taken until five legislative days after its introduction
25 nor until it has been on file for final reading and passage for at
26 least one legislative day. No bill shall contain more than one
27 subject, and the subject shall be clearly expressed in the title. No

1 law shall be amended unless the new act contains the section or
2 sections as amended and the section or sections so amended shall be
3 repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~
4 presiding officer, of each house shall sign, in the presence of
5 the ~~Legislature~~ respective house while it is in session and
6 capable of transacting business, all bills and resolutions passed by
7 the Legislature.

8 III-17. The ~~Legislature~~ Senate and the House of
9 Representatives in joint session shall have the sole power of
10 impeachment, ~~but a majority of the members elected must concur~~
11 ~~therein.~~Upon the introduction of a resolution to impeach by either
12 house, the other house shall at once be notified, and the two houses
13 shall meet in joint session for the purpose of acting upon such
14 resolution within three days after such notification. The vote shall
15 be tallied for each house separately, and a majority of the members
16 of each house must concur. Proceedings may be initiated in either a
17 regular session or a special session of the Legislature.

18 Upon the adoption of a resolution of impeachment, which
19 resolution shall give reasonable notice of the acts or omissions
20 alleged to constitute impeachable offenses but need not conform to
21 any particular style, a notice of an impeachment of any officer,
22 other than a Judge of the Supreme Court, shall be forthwith served
23 upon the Chief Justice, by the Clerk of the ~~Legislature,~~ House of
24 Representatives, who shall thereupon call a session of the Supreme
25 Court to meet at the Capitol in an expeditious fashion after such
26 notice to try the impeachment. A notice of an impeachment of the
27 Chief Justice or any Judge of the Supreme Court shall be served by

1 the Clerk of the ~~Legislature, House of Representatives,~~ upon the
2 clerk of the judicial district within which the Capitol is located,
3 and he or she thereupon shall choose, at random, seven Judges of the
4 District Court in the State to meet within thirty days at the
5 Capitol, to sit as a Court to try such impeachment, which Court shall
6 organize by electing one of its number to preside.

7 The case against the impeached civil officer shall be
8 brought in the name of the Legislature and shall be managed by ~~two~~
9 ~~senators,~~ one Senator and one Representative, appointed by the
10 ~~Legislature,~~ respective house, who may make technical or
11 procedural amendments to the articles of impeachment as they deem
12 necessary. The trial shall be conducted in the manner of a civil
13 proceeding and the impeached civil officer shall not be allowed to
14 invoke a privilege against self-incrimination, except as otherwise
15 applicable in a general civil case. No person shall be convicted
16 without the concurrence of two-thirds of the members of the Court of
17 impeachment that clear and convincing evidence exists indicating that
18 such person is guilty of one or more impeachable offenses, but
19 judgment in cases of impeachment shall not extend further than
20 removal from office and disqualification to hold and enjoy any office
21 of honor, profit, or trust, in this State, but the party impeached,
22 whether convicted or acquitted, shall nevertheless be liable to
23 prosecution and punishment according to law. No officer shall
24 exercise his or her official duties after he or she shall have been
25 impeached and notified thereof, until he or she shall have been
26 acquitted.

27 III-22. Each Legislature shall make appropriations for the

1 expenses of the Government. And whenever it is deemed necessary to
2 make further appropriations for deficiencies, the same shall require a
3 two-thirds vote of all the members ~~elected to the Legislature.~~ in
4 each house. Bills making appropriations for the pay of members and
5 officers of the Legislature, and for the salaries of the officers of
6 the Government, shall contain no provision on any other subject.

7 III-27. No act shall take effect until three calendar months
8 after the adjournment of the session at which it passed, unless in
9 case of emergency, which is expressed in the preamble or body of the
10 act, the ~~Legislature shall~~ Senate and the House of Representatives
11 shall each by a vote of two-thirds of all the members ~~elected of~~
12 the respective house otherwise direct. All laws shall be published
13 within sixty days after the adjournment of each session and
14 distributed among the several counties in such manner as the
15 Legislature may provide.

16 IV-1. The executive officers of the state shall be the
17 Governor, Lieutenant Governor, Secretary of State, Auditor of Public
18 Accounts, State Treasurer, Attorney General, and the heads of such
19 other executive departments as set forth herein or as may be
20 established by law. The Legislature may provide for the placing of
21 the above named officers as heads over such departments of government
22 as it may by law establish.

23 The Governor, Lieutenant Governor, Attorney General,
24 Secretary of State, Auditor of Public Accounts, and State Treasurer
25 shall be chosen at the general election held in November 1974, and in
26 each alternate even-numbered year thereafter, for a term of four years
27 and until their successors shall be elected and qualified.

1 Each candidate for Governor shall select a person to be the
2 candidate for Lieutenant Governor on the general election ballot. In
3 the general election one vote shall be cast jointly for the candidates
4 for Governor and Lieutenant Governor. The Governor shall be ineligible
5 to the office of Governor for four years next after the expiration of
6 two consecutive terms for which he or she was elected.

7 The records, books, and papers of all executive officers
8 shall be kept at the seat of government. Executive officers shall
9 reside within the State of Nebraska during their respective terms of
10 office. Officers in the executive department of the state shall
11 perform such duties as may be provided by law.

12 The heads of all executive departments established by law,
13 other than those to be elected as provided herein, shall be appointed
14 by the Governor, with the consent of a majority of all members
15 ~~elected to the Legislature,~~ of the Senate, but officers so
16 appointed may be removed by the Governor. Subject to the provisions
17 of this Constitution, the heads of the various executive or civil
18 departments shall have power to appoint and remove all subordinate
19 employees in their respective departments.

20 IV-4. The returns of every election for the officers of the
21 executive department shall be sealed up and transmitted by the
22 returning officers to the Secretary of State, directed to the Speaker
23 of the ~~Legislature,~~ House, who shall immediately after the
24 organization of the Legislature, and before proceeding to other
25 business, open and publish the same in the presence of a majority of
26 the members of the ~~Legislature.~~ House. The person having the
27 highest number of votes for each of ~~said~~ such offices shall be

1 declared duly elected; but if two or more have an equal and the
2 highest number of votes, the Legislature shall choose one of such
3 persons for ~~said~~ such office. The conduct of election contests
4 for any of ~~said~~ such offices shall be in such manner as may be
5 prescribed by law.

6 IV-7. The Governor may, at the commencement of each session,
7 and at the close of his or her term of office and whenever the
8 Legislature may require, give by message to the Legislature
9 information of the condition of the state, and shall recommend such
10 measures as he ~~shall deem~~ or she deems expedient. At a time fixed
11 by law, ~~he~~ the Governor shall present, by message, a complete
12 itemized budget of the financial requirements of all departments,
13 institutions, and agencies of the state and a budget bill to be
14 introduced by the Speaker of the ~~Legislature~~ House at the request
15 of the Governor. ~~Said~~ The budget bill shall be prepared with such
16 expert assistance and under such regulations as may be required by the
17 Governor. No appropriations shall be made in excess of the
18 recommendation contained in such budget including any amendment the
19 Governor may make thereto unless by three-fifths vote of the
20 Legislature, and such excess so approved shall be subject to veto by
21 the Governor.

22 IV-10. The Governor shall appoint with the approval of a
23 majority of the ~~Legislature,~~ Senate, all persons whose offices
24 are established by the Constitution, or which may be created by law,
25 and whose appointment or election is not otherwise ~~by law or herein~~
26 ~~provided for; and no~~ by law or in this Constitution. No such
27 person shall be appointed or elected by the Legislature. The

1 Governor shall have power to remove, for cause and after a public
2 hearing, any person whom he ~~may appoint~~ or she appoints for a
3 term except officers provided for in Article V of ~~the~~ this
4 Constitution, and he the Governor may declare ~~his~~ such
5 office vacant, and fill the same ~~as herein provided~~ as in other
6 cases of vacancy. The Governor shall have power to remove any other
7 person whom he or she appoints at any time and for any reason.

8 IV-12. If any nonelective state office, except offices
9 provided for in Article V of this Constitution, shall be vacated by
10 death, resignation or otherwise, it shall be the duty of the Governor
11 to fill that office by appointment. If the Legislature is in session,
12 such appointment shall be subject to the approval of a majority of the
13 members of the ~~Legislature.~~ Senate. If the Legislature is not in
14 session, the Governor shall make a temporary appointment until the
15 next session of the Legislature, at which time a majority of the
16 members of the ~~Legislature~~ Senate shall have the right to approve
17 or disapprove the appointment. All appointees shall hold their office
18 until their successors shall be appointed and qualified. No person
19 after being rejected by the ~~Legislature~~ Senate shall be again
20 nominated for the same office at the same session, unless at request
21 of the ~~Legislature,~~ Senate, or be appointed to the same office
22 during the recess or adjournment of the Legislature.

23 IV-16. In case of the conviction of the Governor on
24 impeachment, ~~his~~ the removal of the Governor from office, ~~his~~
25 or the resignation or ~~his~~ death of the Governor, the Lieutenant
26 Governor, the Speaker of the ~~Legislature~~ House, and such other
27 persons designated by law shall in that order be Governor for the

1 remainder of the Governor's term.

2 In case of the death of the Governor-elect, the Lieutenant
3 Governor-elect, the Speaker of the ~~Legislature House~~, and such
4 other persons designated by law shall become Governor in that order at
5 the commencement of the Governor-elect's term.

6 If the Governor or the person in line of succession to serve
7 as Governor is absent from the state, or suffering under an
8 inability, the powers and duties of the office of Governor shall
9 devolve in order of precedence until the absence or inability giving
10 rise to the devolution of powers ceases as provided by law. ~~After~~
11 ~~January 1, 1975, the~~ The Lieutenant Governor shall serve on all
12 boards and commissions in lieu of the Governor whenever so designated
13 by the Governor, shall perform such duties as may be delegated ~~him~~
14 by the Governor, and shall devote his or her full time to the
15 duties of ~~his~~ the office.

16 IV-28. By January 1, 1997, there shall be a Tax Equalization
17 and Review Commission. The members of the commission shall be
18 appointed by the Governor as provided by law. The commission shall
19 have power to review and equalize assessments of property for taxation
20 within the state and shall have such other powers and perform such
21 other duties as the Legislature may provide. The terms of office and
22 compensation of members of the commission shall be as provided by law.

23 A Tax Commissioner shall be appointed by the Governor with
24 the approval of the ~~Legislature~~. Senate. The Tax Commissioner may
25 have jurisdiction over the administration of the revenue laws of the
26 state and such other duties and powers as provided by law. The Tax
27 Commissioner shall serve at the pleasure of the Governor.

1 VII-6. No lands now owned or hereafter acquired by the state
2 for educational purposes shall be sold except at public auction under
3 such conditions as the Legislature shall provide. The general
4 management of all lands set apart for educational purposes shall be
5 vested, under the direction of the Legislature, in a board of five
6 members to be known as the Board of Educational Lands and Funds. The
7 members shall be appointed by the Governor, subject to the approval of
8 the ~~Legislature,~~ Senate, with such qualifications and for such
9 terms and compensation as the Legislature may provide.

10 VII-13. The general government of the state colleges as now
11 existing, and such other state colleges as may be established by law,
12 shall be vested, under the direction of the Legislature, in a board of
13 seven members to be styled as designated by the Legislature, six of
14 whom shall be appointed by the Governor, with the advice and consent
15 of the ~~Legislature,~~ Senate, two each for a term of two, four, and
16 six years, and two each biennium thereafter for a term of six years,
17 and the Commissioner of Education shall be a member ex officio. The
18 duties and powers of the board shall be prescribed by law, and the
19 members thereof shall receive no compensation for the performance of
20 their duties, but may be reimbursed their actual expenses incurred
21 therein.

22 VII-14. ~~On January 1, 1992, there~~ There shall be
23 established the Coordinating Commission for Postsecondary Education
24 which shall, under the direction of the Legislature, be vested with
25 the authority for the coordination of public postsecondary educational
26 institutions. Public postsecondary educational institutions shall
27 include each postsecondary educational campus or institution which is

1 governed by the Board of Regents of the University of Nebraska, the
2 Board of Trustees of the Nebraska State Colleges, any board or boards
3 established for the community colleges, or any other governing board
4 for any other public postsecondary educational institution which may
5 be established by the Legislature.

6 Coordination shall mean:

7 (1) Authority to adopt, and revise as needed, a
8 comprehensive statewide plan for postsecondary education which shall
9 include (a) definitions of the role and mission of each public
10 postsecondary educational institution within any general assignments
11 of role and mission as may be prescribed by the Legislature and (b)
12 plans for facilities which utilize tax funds designated by the
13 Legislature;

14 (2) Authority to review, monitor, and approve or disapprove
15 each public postsecondary educational institution's programs and
16 capital construction projects which utilize tax funds designated by
17 the Legislature in order to provide compliance and consistency with
18 the comprehensive plan and to prevent unnecessary duplication; and

19 (3) Authority to review and modify, if needed to promote
20 compliance and consistency with the comprehensive statewide plan and
21 prevent unnecessary duplication, the budget requests of the Board of
22 Regents of the University of Nebraska, the Board of Trustees of the
23 Nebraska State Colleges, any board or boards established for the
24 community colleges, or any other governing board for any other public
25 postsecondary educational institution which may be established by the
26 Legislature.

27 The Legislature may provide the commission with additional

1 powers and duties related to postsecondary education as long as such
2 powers and duties do not invade the governance and management
3 authority of the Board of Regents of the University of Nebraska and
4 the Board of Trustees of the Nebraska State Colleges as provided in
5 the Constitution of Nebraska, Article VII, sections 10 and 13. The
6 Legislature may provide that coordination of the community colleges by
7 the commission pursuant to this section may be conducted through a
8 board or association representing all the community colleges.

9 Nothing in this section providing for statewide coordination
10 shall limit or require the use of property tax revenue by and for
11 community colleges.

12 The commission shall consist of eleven members, residents of
13 the state or the districts for which appointed, who shall be appointed
14 by the Governor with the approval of a majority of the ~~Legislature-~~
15 Senate. Six of the members shall be chosen from six districts of
16 approximately equal population and five shall be chosen on a
17 statewide basis.

18 The terms of the members of the commission shall be six
19 years or until a successor is qualified and takes office, except that
20 of the members initially appointed, four members shall serve for terms
21 of two years and four members shall serve for terms of four years.
22 The members of the commission shall receive no compensation for the
23 performance of their duties but may be reimbursed their actual and
24 necessary expenses.

25 Sec. 2. The proposed amendment shall be submitted to the
26 electors in the manner prescribed by the Constitution of Nebraska,
27 Article XVI, section 1, with the following ballot language:

1 A constitutional amendment to change from a unicameral
2 legislature to a bicameral legislature.

3 For

4 Against.